

Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 DHA-02 H-01 SS-15 NSC-05 CIAE-00 INR-07

NSAE-00 PRS-01 /042 W

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P 182005Z FEB 77

FM AMEMBASSY ASUNCION

TO SECSTATE WASHDC PRIORITY 9465

LIMITED OFFICIAL USE SECTION 1 OF 2 ASUNCION 0713

E.O. 11652: N/A

TAGS: SHUM, PA

SUBJ: FILARTIGA CASE

REF: STATE 34542

SUMMARY. JOEL FILARTIGA, 16 YEAR OLD SON OF PROMINENT PHYSICIAN AND ARTIST, WAS MURDERED LAST MARCH. IT IS UNCLEAR WHO COMMITTED THE CRIME; TRIAL OF THE ACCUSED IS STILL IN PROCESS. ALTHOUGH THERE ARE RUMORS OF SEX, DRUGS AND/OR POLITICAL MOTIVES AND THAT FILARTIGA WAS ACTUALLY KILLED BY POLICE, GOP OFFICIALS AND OPPOSITION LEADERS (INCLUDING CHAIRMAN OF PARAGUAYAN HUMAN RIGHTS COMMISSION) AS WELL AS HIGH CHURCH OFFICIALS TO DATE DO NOT RPT NOT BELIEVE CASE INVOLVES A HUMAN RIGHTS VIOLATION, BUT RATHER WAS A COMMON CRIME. IN VIEW OF ALLEGATIONS OF HR VIOLATIONS IN US, HOWEVER, EMBASSY HAS URGED GOP TO INVESTIGATE FULLY AND TAKE APPROPRIATE MEASURES IF WARRANTED. END SUMMARY.

1. EMBASSY'S OFFICIAL INFORMAL LETTER TO RICHARD GRAHAM (ARA/ECA) DATED JANUARY 7, AND ENCLOSURES, SET FORTH THE EMBASSY'S KNOWLEDGE (AS OF THAT TIME) OF THE BACKGROUND OF THE
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FILARTIGA CASE IN ANTICIPATION THAT THE MATTER WOULD SURFACE IN THE U.S. IN SUMMARY, ON MARCH 30, 1976, THE BODY OF JOEL FILARTIGA, THE 16 YEAR OLD SON OF DR. JOEL FILARTIGA, MEDICAL DOCTOR AND ONE OF PARAGUAY'S LEADING PAINTERS, WAS FOUND AT THE HOME OF A YOUNG MARRIED WOMAN. THAT THE BODY WAS BADLY MUTILATED IS ATTESTED TO

BY THE MANY PHOTOS OF IT PUBLISHED IN THE LOCAL PRESS. THE WOMAN'S HUSBAND WAS SUBSEQUENTLY CHARGED WITH THE MURDER AND BROUGHT TO TRIAL. THE TRIAL HAS NOT YET BEEN COMPLETED. (SUCH A DELAY IS NOT UNUSUAL IN THE PARAGUAYAN LEGAL SYSTEM).

2. BEYOND THIS, THERE IS NO GENERALLY AGREED UPON VERSION OF WHAT TRANSPIRED. BECAUSE OF SOME OBVIOUS DISCREPANCIES, SUCH AS THE CONDITION OF THE BODY AND THAT FACT THAT THE YOUNG WOMAN REPORTEDLY WAS STILL IN BED WITH THE CORPSE WHEN THE POLICE ALLEGEDLY ARRIVED, AND SHORTLY THEREAFTER DISAPPEARED NEVER TO GIVE TESTIMONY IN THE CASE, CREATED SERIOUS DOUBTS REGARDING THE MURDER CHARGES.

3. DR. FILARTIGA HIRED A WELL-KNOWN LOCAL LAWYER, DR. HORACIO GALEANO PERRONE, TO INVESTIGATE THE CASE AND TO REPRESENT HIS INTERESTS AT THE MURDER TRIAL. IN A LETTER TO THE EMBASSY DATED 12 OCTOBER 1976, (A COPY OF WHICH WAS TRANSMITTED TO THE DEPARTMENT WITH THE LETTER OF JANUARY 7), DR. GALEANO PERRONE STATED THAT THIS INVESTIGATION ESTABLISHED THAT JOEL FILARTIGA WAS DETAINED BY THE POLICE THE EVENING OF MARCH 29, HAVING BEEN DENOUNCED AS A SUBVERSIVE BY THE MAN LATER ACCUSED OF HIS MURDER. DR. GALEANO PERRONE FURTHER STATED THAT THE MAN'S MOTIVE IN DENOUNCING YOUNG FILARTIGA LIMITED OFFICIAL USE

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WAS BECAUSE HE BELIEVED THE LATTER WAS HAVING SECUAL RELATIONS WITH HIS WIFE, NOT THAT HE WAS A SUBVERSIVE. FOLLOWING TWO HOURS OF TORTURE IN A POLICE STATION, JOEL FILARTIGA UNEXPECTEDLY DIED, ACCORDING TO THE LAWYER, WHO ADDED THAT IN ORDER TO COVER UP THE CIRCUMSTANCES OF YOUNG FILARTIGA'S DEATH, THE POLICE TOOK FILARTIGA'S BODY TO THE HOUSE OF THE MAN WHO HAD DENOUNCED HIM AND FORCED THE LATTER TO TAKE RESPONSIBILITY FOR THE CRIME.

4. THE PRESUMED AUTHOR OF THE ARTICLE PUBLISHED IN THE CONGRESSIONAL RECORD (SEE REFTTEL) TOLD THE EMBASSY THAT HIS KNOWLEDGE OF THE CASE WAS LARGELY BASED ON THE RESULTS OF DR. GALEANO PERRONE'S INVESTIGATION, ALTHOUGH HIS VERSION OF THE FACTS AS RELATED TO THE EMBASSY ON SEVERAL OCCASIONS DIFFERED FROM THAT OF DR. GALEANO IN SOME IMPORTANT RESPECTS. HE SAID THE CRIME WAS

COMMITTED BY OFF DUTY POLICEMEN ACTING ON PRIVATE
MOTIVES AND IT TOOK PLACE AT THE HOUSE WHERE THE
BODY WAS "DISCOVERED", NOT IN A POLICE STATION.

5. THE LOCAL PRESS HAS OPENLY QUESTIONED THE
VALIDITY OF THE MURDER PROSECUTION, AND OTHER
VERSIONS OF THE CASE HAVE BEEN WIDELY RUMORED,
INCLUDING REPORTS THAT YOUNG FILARTIGA WAS INVOLVED
WITH HOMOSEXUALS AND DRUGS. ALL VERSIONS
ATTRIBUTE THE DEATH TO POLICEMEN. THE EMBASSY HAS
NO INDEPENDENT KNOWLEDGE OF THE FACTS IN THIS CASE
AND IS NOT ABLE TO CONDUCT ITS OWN INVESTIGATION.
CONSEQUENTLY, WE ARE UNABLE TO DISCRIMINATE AMONG
THE VARIOUS VERSIONS OF THE CASE THAT ARE CIRCULATING.
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ACTION ARA-10

INFO OCT-01 ISO-00 DHA-02 H-01 SS-15 NSC-05 PRS-01 CIAE-00
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6. THE AMBASSADOR DISCUSSED THE CASE ON FEBRUARY 17
WITH THE PRESIDENT OF THE PARAGUAYAN HUMAN RIGHTS
COMMISSION (A PROMINENT LEADER OF THE OPPOSITION)
WHO CONFIRMED HER BELIEF, EXPRESSED TO HIM
LAST FALL, THAT THIS CASE DID NOT HAVE POLITICAL
OVERTONES, BUT IF ANYTHING WAS A MATTER OF
ORDINARY POLICE BRUTALITY THAT COULD HAVE HAPPENED
ANYWHERE. SHE FELT THE COMMISSION WOULD BE BETTER
ADVISED TO CONFINE ITS EFFORTS TO HELPING THOSE
WHO WERE BEING DETAINED FOR THEIR SUSPECTED SUB-
VERSIVE POLITICAL BELIEFS OR ACTIVITIES, RATHER
THAN WASTE THEIR AMMUNITION ON A DUBIOUS AFFAIR
LIKE THE FILARTIGA CASE. SHE OBSERVED THAT A
NUMBER OF PEOPLE HAD DISAPPEARED WHILE IN THE HANDS
OF THE POLICE BUT THE POLICE HAD NEVER BEFORE FELT
THE NEED TO CONCOCT AN ELABORATE COVER UP.

7. OTHER OPPOSITION LEADERS AND HIGH CHURCH OFFICIALS
HAVE EXPRESSED THE SAME VIEWS TO EMBASSY OFFICERS. THE EMBASSY
HAS ALSO NOTED THAT NEITHER EL RADICAL, THE PRINCIPAL
ORGAN OF THE OPPOSITION LIBERAL PARTY, NOR SENDERO,
A CATHOLIC CHURCH PUBLICATION, BOTH OF WHICH
REGULARLY COMMENT ON HUMAN RIGHTS ISSUES IN A WAY
OPENLY CRITICAL OF THE GOVERNMENT AND THE POLICE,
HAS EVER MENTIONED THE FILARTIGA CASE.
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8. SINCE RECEIPT OF REFTTEL, AMBASSADOR LANDAU HAS
CALLED ATTENTION TO THE PUBLICATION OF THE ARTICLE
ON THE FILARTIGA CASE IN THE CONGRESSIONAL RECORD
TO SEVERAL HIGH-RANKING GOP OFFICIALS, INCLUDING
PRESIDENT STROESSNER, FOREIGN MINISTER NOGUES,
AND INTERIOR MINISTER MONTANARO. THE AMBASSADOR
HAS URGED THAT THE ACCUSATION OF POLICE INVOLVE-
MENT BE THOROUGHLY INVESTIGATED AND THE GUILTY,
IF THERE IS A FINDING OF GUILT, BE TRIED AND
PUNISHED.

9. DEPARTMENT MAY DRAW ON FOREGOING IN
REPLYING TO INQUIRIES STIMULATED BY FEBRUARY 1
CONGRESSIONAL RECORD ACCOUNT OF THE FILARTIGA CASE.
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Message Attributes

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